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August 8, 2019

Price v. City of New York, et al.
No. 15-CV-5871 (KPF)

Dear Judge Failla:

We write jointly on behalf of Plaintiff Kelly Price and the City Defendants,¹ in the above-referenced action to request to amend the Court's March 18, 2019 Case Management Plan and Scheduling Order (the "March 18 Scheduling Order").

On July 30, 2018, prior to Ms. Price obtaining counsel, the Court had entered a Scheduling Order. (Dkt. No. 120.) During the November 14, 2018 pretrial conference, the Court stayed all discovery deadlines to allow Ms. Price time to obtain counsel. (Conf. Tr. at 31:07-22; 39:10-14, Dkt. No. 125.) Ms. Price subsequently obtained counsel, and, on March 15, 2019, the parties submitted a proposed Case Management Plan and Scheduling Order. (Dkt. No. 128.) The Court then entered the March 18 Scheduling Order. (Dkt. No. 133.) The parties have not submitted any requests for extensions relating to that Order.

The March 18 Scheduling Order set the deadline for completion of fact discovery as August 19, 2019 (five months from the date of the Order). The March 18 Scheduling Order requires depositions of fact witnesses to be completed by the close of fact discovery. Additionally, the March 18 Scheduling Order set the deadline for completion of expert discovery as 45 days from the close of fact discovery.

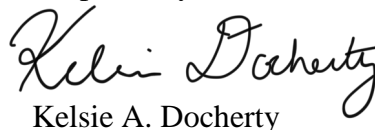
The parties have worked in good faith to make discovery progress. However, for the following reasons, the parties do not believe they will be able to complete document discovery and depositions by August 19, 2019. First, the scope of electronic discovery in this case was significantly broader than anticipated. To locate

¹ The City Defendants include the City of New York, Detective Linda Simmons, Lieutenant Nicholas Corrado, Officer John Staines and Officer Iselaine Guichardo-Hermenegildo Cruz.

documents responsive to the City Defendants' request for production, the parties engaged in extensive search term negotiations and Ms. Price collected documents from numerous physical and electronic sources, including multiple email and social media accounts, cell phones, and computer hard drives. The agreed-upon searches yielded tens of thousands of documents that had to be reviewed for responsiveness and privilege. That review is nearly complete, and Ms. Price anticipates producing thousands of documents that are responsive to the City Defendants' document requests. Once those documents are produced, Defendants will require time to review them. In addition, the City Defendants are still in the process of obtaining all relevant records from hospitals and other third parties. Lastly, the City Defendants are still attempting to locate additional documents responsive to Ms. Price's document requests. Because document productions are ongoing, the parties have yet to begin depositions. Moreover, the parties anticipate that there will be many depositions in this case, due to the scope of Ms. Price's claims and the number of Defendants. Given the size of the document productions and number of depositions anticipated, the parties do not believe that they will complete discovery by August 19, 2019.

Accordingly, the parties jointly request an extension from August 19, 2019 to November 19, 2019 to complete fact discovery, including depositions of fact witnesses. The parties also request that the deadline for expert discovery remain 45 days from the close of fact discovery, accounting for the amended fact discovery deadline. A proposed Order Amending the Civil Case Management Plan and Scheduling Order is attached.

Respectfully submitted,



Kelsie A. Docherty

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
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New York, NY 10007

VIA ECF

Copy to:

Counsel of Record

VIA ECF and EMAIL